

Appl. No. 10/777,511
Docket No. 9503
Amdt. dated 01/22/2007
Reply to Office Action mailed on 04/23/2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1- 29 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to more specifically characterize the invention disclosed therein. Specifically, the insert is further described as comprising at least two compartments. Claim 19 is further amended to characterized the at least two compartments as being contiguous. Support for both of these amendments is found in claim 2 as originally submitted.

Additionally, claims 1 and 13 have been amended to indicate that the compartment[s] are punctured when closed in the housing structure. Support for these amendments is found in the specification at: page 6, lines 11-16; page 8, lines 28-30; page 9, lines 9-15; page 10, line 30 to page 11, line 1; and page 11, lines 22-25.

Additionally, claims 2, 17, 18, 19, 22, 28 and 29 have been amended to provide for proper antecedent basis and ease of reading.

It is believed that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC §102(b) Over Rodd

Claims 1-6, 8, 10-11, 13-23, 25 and 27 stand rejected under §102(b) as being anticipated by WO 01/07703, hereinafter referred to as "Rodd".

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131.01 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631. Applicants respectfully submit that Rodd is not properly applied in an anticipation rejection since it does not teach or suggest all of the claim limitations of presently

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amended independent claims 1 and 13, or the balance of the claims which depend directly or indirectly therefrom. Applicants' submission is made on the following bases.

The present claims require *inter alia* that the "...two compartments for containing one or more laundry additive materials...are punctured when closed in the housing structure." Robb does not set forth this claim element either expressly or inherently. To wit, Robb teaches that "[a]n opening mechanism is provided for the compartments, which is operated by means that are activated by conditions prevailing in the interior of the machine, which occur exclusively during a laundry washing, drying or dishwashing cycle." See Col. 2, lines 61-66 (*emphasis presently added*).

Based upon the foregoing, Applicants respectfully request withdrawal of the §102(b) rejections of claims 1-6, 8, 10-11, 13-23, 25 and 27 over Robb.

Rejections Under 35 USC §102(b) Over Verherbrugghen

Claims 1 and 4-11 stand rejected under §102(b) as being anticipated by EP 1195350, hereinafter referred to as "Verherbrugghen".

Claim 1 has been amended to further define the invention described therein. Namely, the insert has been further described as "comprising at least two compartments for containing one or more laundry additive materials." Verherbrugghen does not expressly or inherently teach or suggest these claim elements. Consequently, in light of the case law cited above, the presently amended claims are not anticipated by Verherbrugghen since it does not set forth, either expressly or inherently each and every element of claim 1 or of claims 4-11, which depend therefrom.

Based upon the foregoing, Applicants respectfully request withdrawal of the §102 rejections of claims 1 and 4-11 over Verherbrugghen.

Rejections Under 35 USC §103(a) Over Rodd

Claims 9, 12, 26, 28 and 29 are rejected under 35 USC 103(a) as being obvious over Rodd. According to MPEP § 2143, in order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some motivation or suggestion to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants submit that Rodd

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does not meet all three of these criteria with respect to newly amended Claim 1, 13 or of the claims which depend therefrom including 9, 12, 26, 28 and 29. Specifically, Rodd does not teach or suggest the newly added claim limitations that the compartments are punctured when closed in the housing structure. Moreover, Rodd actually teaches away from such a limitation through the requirement of an "opening mechanism [that] is provided for the compartments, which is operated by means that are activated by conditions... which occur exclusively during a laundry washing, drying or dishwashing cycle." See Col. 2, lines 61-66 (*emphasis presently added*).

Based upon the foregoing, Applicants respectfully submit that Rodd does not render claims 9, 12, 26, 28 and 29 obvious and request the withdrawal of the present 103(a) rejections.

Applicants further wish to note that it is believed that the Office has mischaracterized the disclosure in Rodd. Namely, it appears that there is no mention in Rodd of "...a key of a "unique"...shape" nor of one "... in the form of an aperture" See page 3 of the Office Action. Nor does it appear that Rodd "expressly disclose[s] the aperture being circular and the notch being U-shaped." Applicants respectfully request clarification as to these two points in the event that the present amendments and remarks are not considered to render the present inventions patentable.

Rejections Under 35 USC §103(a) Over Verherbrugghen

Claims 13, 14, 16-18 and 20-29 are rejected under 35 USC 103(a) as being unpatentable over Verherbrugghen in view of Rodd. Applicants respectfully submit that at least one of the *prima facie* elements of obviousness listed above is not met through the combination of these two references. Namely, there is no motivation or suggestion provided in the cited references to pick and choose their various elements to arrive at the presently claimed inventions. But rather Verherbrugghen actually teaches away from its combination with Rodd.

Verherbrugghen teaches away from using the laundry additive insert of Rodd, which changes position by pivoting within a housing structure after the laundry additive insert is opened or punctured. See Rodd for example at: lines 9-13 of the Abstract; and FIGS. 1-7 and associated text. To wit, Verherbrugghen indicates that once its "liquid container body" is inserted into the appliance recess, the container cannot pivot inside of the recess...[a]ccordingly, the protrusion and path will control the only remaining

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possible movement of the container inside the recess, which is the longitudinal movement." *See Verherbrugghen, paragraphs [0020], and [0021]*. Thus one of skill in the art would be led away from combining the container of Verherbrugghen with that of Rodd.

Based upon the foregoing, Applicants respectfully submit that Verherbrugghen in view of Rodd does not render claims 13, 14, 16-18 and 20-29 obvious and request the withdrawal of the present 103(a) rejections.

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CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,
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